



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY  
Caption in Compliance with D.N.J. LBR 9004-2(c)

**LOWENSTEIN SANDLER PC**

Kenneth A. Rosen, Esq. (KAR 4963)

S. Jason Teele, Esq. (SJT 7390)

Cassandra M. Porter, Esq. (CMP 3571)

65 Livingston Avenue

Roseland, New Jersey 07068

Tel: (973) 597-2500

Fax: (973) 597-2400

*Counsel to the Debtors and Debtors in Possession*

In re:

U.S. EAGLE CORPORATION, et al.,

Debtors.

Chapter 11

Case No. 11-10392 (NLW)

Jointly Administered

**STIPULATION AND CONSENT ORDER RESOLVING DEBTORS'  
MOTION (I) TO OBJECT TO THE WESTPHAL CLAIM PURSUANT TO  
11 U.S.C. § 502 AND FED. R. BANK. P. 3007 AND (II) FOR PERMISSION  
TO CONSOLIDATE OBJECTION WITH ADV. PROC. NO. 11-2399  
PURSUANT TO FED. R. BANK. P. 7042**

The relief set forth on the following pages, numbered two and three, is hereby  
**ORDERED.**

**DATED: 10/02/2012**

  
Honorable Novalyn L. Winfield  
United States Bankruptcy Judge

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Debtor: U.S. Eagle Corporation, et al

Case No.: 11-10392 (NLW)

Caption: Stipulation and Consent Order Resolving Debtors' Motion (i) To Object To the Westphal Claim Pursuant To 11 U.S.C. § 502 and Fed. R. Bankr. P. 3007 And (II) For Permission To Consolidate Objection With Adv. Proceeding No. 11-2399 Pursuant To Fed. R. Bankr. P. 7042

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**THIS MATTER** having been opened by U.S. Eagle Corporation *et al.*, the above-captioned debtors and debtors-in-possession (the “**Debtors**”), upon their motion<sup>1</sup> (i) objecting (the “**Claim Objection**”) to proof of claim 80 filed by Scott K. Westphal pursuant to section 502 of title 11 of the United States Code and Rule 3007 of the Federal Rules of Bankruptcy Procedure and (ii) for permission to consolidate the Claim Objection with the Adversary Proceeding pursuant to Bankruptcy Rule 7042 [Docket No. 1043]; and adequate notice of the Motion having been given; and upon consent of Scott K. Westphal through his undersigned counsel, and after due deliberation thereon; and good and sufficient cause existing for granting the relief as set forth herein, it is hereby, **ORDERED** that:

1. The Claim Objection is resolved as set forth herein.
2. The Claim Objection is consolidated with the Westphal Adversary Proceeding. The resolution of the Westphal Adversary Proceeding, whether by consent of the parties or by order or judgment of the Court, shall also resolve the Claim Objection.
3. This Court shall retain jurisdiction over the Debtors, their estates, the claimant whose claim is the subject of the Claim Objection, and all other affected parties with respect to any matters, claims, or rights arising from or related to the implementation and interpretation of this Order.
4. The rights of the Debtors, the Reorganized Debtors, and Scott K. Westphal with respect to the issues raised in the Claim Objection and the Westphal Adversary Proceeding, including all rights to appeal from final orders entered in the Westphal Adversary Proceeding, are preserved in their entirety.

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<sup>1</sup> Capitalized terms used herein but not otherwise defined shall have the meanings ascribed to them in the Motion.

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Debtor: U.S. Eagle Corporation, et al

Case No.: 11-10392 (NLW)

Caption: Stipulation and Consent Order Resolving Debtors' Motion (i) To Object To the Westphal Claim Pursuant To 11 U.S.C. § 502 and Fed. R. Bankr. P. 3007 And (II) For Permission To Consolidate Objection With Adv. Proceeding No. 11-2399 Pursuant To Fed. R. Bankr. P. 7042

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Agreed to on this 28th day of September, 2012:

*/S/ Cassandra Porter*

**LOWENSTEIN SANDLER PC**

65 Livingston Avenue

Roseland, New Jersey 07068

Tel: (973) 597-2500

Fax: (973) 597-2400

S. Jason Teele (SJT 7390)

Cassandra M. Porter (CMP 3571)

*Counsel to the Debtors and Debtors in Possession*

*/S/ Douglas McGill*

**WEBBER MCGILL LLC**

760 Route 10, Suite 203

Whippany, New Jersey 07981

Tel: (973) 739-9559

Fax: (973) 739-9575

Douglas J. McGill (DM 0436)

*Attorneys for Scott K. Westphal*